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NEIGHBORHOOD ASSOCIATION
NEWSLETTER

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SEPTEMBER 2024

Crestview and Brentwood Neighborhood Associations to Jointly Host A Candidates Forum for the Mayoral and District 7 Council Races

by Chip Harris, Newsletter Editor

When: Monday, September 16th, 2024
Mayoral Race: 6:30 pm – 7:30 pm
District 7 Race: 7:30 pm – 8:30 pm
Note: Please arrive no earlier than 6:10 pm.

Where: In the Sanctuary of the Faith Lutheran Church at 6600 Woodrow Ave
Note: No food or drink is allowed in the sanctuary, but water is permitted. In support of our medically fragile friends and neighbors, we are encouraging people to wear masks (they will be available) and respect personal space.

Who:
Candidates in the Mayor's Race (5) Listed Alphabetically:
Jeffery Bowen
Doug Greco
Carmen Llanes Pulido
Kathie Tovo
Kirk Watson

Candidates in the District 7 Race (7) Listed Alphabetically:
Edwin Bautista
Gary Bledsoe
Dan Dominguez
Pierre Huy Nguyen
Adam Powell
Todd Shaw
Mike Siegel

Why Should I Attend the Candidates Forum?

Decisions made by the City Council have a tremendous impact on many aspects of citizens' lives in everything from affordability (taxes, fees, water & electric rates, etc) to infrastructure (flooding, service reliability, etc) to transportation (traffic volume on neighborhood streets) to growth

(overwhelming or manageable) to policing, equity and democracy itself (the right to participate in self-government). Just by attending, you're sending a strong message to whoever wins the election that it's important for your voice to be heard.

While there's broad consensus on the goals that every candidate espouses, the devil is in the details. In order for the voter to make an informed decision, it's imperative that the candidates set out the specific steps they will take to accomplish the goals – and how their process differs from their rivals – and give concrete examples of success that can be fact-checked.

A large area of concern is land development. The candidates should be able to tell us if they approve of 90' tall buildings next to single-family homes, if they support the H.O.M.E. ordinances, if they support commercializing residential neighborhoods, if they will honor valid petitions, etc.

There are many, many other questions that the candidates should address: Do they support a permanent, city owned facility to house the City's library store Recycled Reads in close proximity to its current location on Burnet Road? What measures will they take to create a park in Crestview? What steps will they take to preserve the rapidly disappearing tree canopy? What is their position on Rewild Zilker? What to they think about the expansion of the convention center? What is their involvement in the real estate or development arena? Who are their largest contributors?

The forum will be an informative and engaging evening. Please join us in this important community event!

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Brentwood Elementary Halloween Carnival

Save the date! This family fun event will be held Saturday, October 19th, from 3:00 – 6:00pm at Brentwood Elementary School at 6703 Yates Avenue.
There is something for everyone. Costumes are welcome! The carnival is a big fundraiser for Brentwood Elementary. Come out for BIG fun and support our school at the same time!
More details at:
https://www.brentwoodpta.com/pages/halloween-carnival

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Published monthly on 100% recycled paper by the Crestview Neighborhood Association (CNA).

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CNA Contact Information
P. O. Box 9505, Austin, TX 78766
www.crestviewna.com
CNA General Meetings are held the second Monday of every month at 7:00 PM at the Crestview United Methodist Church, 1300 Morrow St.
Treasurer: joincrestview@gmail.com
Twitter: @CNAneighbors
Facebook: CrestviewNeighborhoodAssociation

Episcopal Church of the Resurrection
2200 Justin Lane
Upcoming Events

• Sunday September 29th at 10:30 am – Outdoor Pet Blessing Service in honor of St Francis Day, featuring special music from the Stone Wheels

• Sunday, November 3rd – All Saint's Day Celebration service with guest musicians Jimi Calhoun and Chris Searles

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Charter Challenge: Judge Rules that Austin Council Broke Open Meetings Law Again

City Drops Charter Amendments from the November 5th Ballot

Excerpts from the *Austin Free Press* article by Andrew Wheat

At a hearing on August 29, District Court Judge Maya Guerra Gamble again found that the city had not "strictly complied with" open government law in ordering 13 city charter amendments put on the November ballot. The judge issued a temporary injunction barring the city from taking further action on the charter election. "The public interest is best served by enforcing the Texas Open Meetings Act even if the City's election would be delayed until after the final trial," she ruled. The judge discussed a January trial on the matter. The parties learned during the hearing that the Texas Supreme Court declined to intervene in the case at this time. To comply with recent judicial rulings, an August 30 city statement said that the charter amendments would not be placed on the November ballot.

Save Our Springs Alliance's latest lawsuit is part of an ongoing struggle to compel the City Council, led by Mayor Kirk Watson, to obey open government laws. At several council meetings this year Watson and SOS Executive Director Bill Bunch clashed over government secrecy, the public's right to know, and whether the council could significantly limit the speech of Austin residents during council meetings. During those meetings, Bunch first would ask to address a council meeting on four or more agenda items. Watson would grant Bunch a total of two or three minutes to speak on all of them. Then Bunch would file a lawsuit alleging that Watson's ruling on time limits violated the Open Meetings Act.

The back and forth raises important questions about whether local elected officials are circumventing open meetings requirements aimed at providing Austin residents greater transparency about what their government is doing. That issue was addressed in an August 19 legal petition in which Save Our Springs, Bunch and Joe Riddell, a former staff attorney in the Texas Attorney General's Office, asked the court to block the city from adding the 13 proposed charter amendments to November's ballot. Plaintiffs specifically alleged that the council's August 14 budget meeting approving those proposals violated the Texas Open Meetings Act. It did so, they argued, by not providing proper public notice of the proposed charter amendments they were steering to the November ballot and by illegally limiting public speakers to a total of three minutes to address all 13 charter proposals.

Prior to that lawsuit, Save Our Springs sued the council in April after Watson limited Bunch to addressing the council for two minutes for four unrelated agenda items. In so doing, Watson reversed a previous council policy that had granted speakers three minutes for each agenda item they wished to address. Winning that case, Save Our Spring alleged that similar public-speaking rights also apply to the council's Tuesday work sessions. Judge Lyttle split the baby. She ruled on August 7 that council work sessions need not allow public comment when elected officials are just being briefed on issues. When council members stray into work-session deliberations, however, she ruled that they must allow public input.

The city of Austin has a checkered history of Open Meetings Act problems stretching back more than a decade, according to court decisions and advocates of open government. "The disdain, this stubbornness, arrogance continues against transparency" with the current council majority, said Bill Aleshire, a former Travis

See Charter Amendments, continued on page 5

We Do Not Consent

By Community Not Commodity

KEY POINTS:

- The Austin City Council continues violating its rules to marginalize public input and diminish the democratic process.
- At the July 18th council meeting, approximately 20 zoning cases were "taken on consent" and passed with a single vote despite the council's rules expressly prohibiting this.
- The Austin City Council was recently taken to court about the council policy limiting citizen communication and lost.

Consent Agenda

Austin City Council meeting agendas are broadly divided into a consent portion of the agenda and a non-consent portion. Consent agendas are widely used by organizations and governmental entities to group items that are so uncontroversial that they can reasonably be expected to be adopted without debate or a separate vote on each item. Our city council's adopted Rules and Procedures For City Council Meetings, Public Hearings and Appeals provide that "The council may adopt items by consent of the council without a separate vote on each item, as the consent agenda". The rules specifically prohibits adopting by consent items subject to a public hearing or set for a specific time. Keep reading to learn why these exceptions are important, but first, a little history.

> *"The city council meeting is where you have the opportunity to speak to all of them and also be heard by the rest of the community so that you're adding to public consideration and education on important issues."*
> *-Bill Bunch*

History of Consent Agenda Abuse

Earlier this year, the mayor took the untenable position that public speakers interested in addressing multiple consent items had only two minutes total rather than two minutes per item. Bill Bunch of Save Our Springs challenged this interpretation in court and won. In response, the council passed a new public participation ordinance, allowing a minimum of two minutes on each consent item. Unfortunately, the council's new rule discounts public opposition by treating consent items opposed by the public as uncontroversial items unworthy of council discussion. Worse, the council has now found a new way to abuse the rules.

Degrading Public Hearings and Violations of Their Own Rules

Our city council has now started treating public hearings on zoning cases and neighborhood plan amendments on the non-consent agenda as consent items. At the July 18th council meeting, approximately 20 zoning cases were "taken on consent" and passed with a single vote after a combined "hearing" despite the council's rules expressly prohibiting this. No street addresses were given for any of the cases; there was no description of the type of zoning being granted, only a recitation of the agenda and case numbers. No staff presentation was made even though a staff presentation is required by the land development code and the Council's own rules (which ironically, were readopted by the

See Consent, continued on page 5

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We May Want to Forget COVID, But It Hasn't Forgotten Us

While public life has pretty much returned to pre-pandemic norms the virus itself has not. Mutations of the virus continue to occur, and new variants are emerging, posing ongoing challenges to public health and safety. The summer months, typically associated with lower respiratory virus activity, have instead seen a significant uptick in COVID-19 infections. The recent surge in COVID-19 cases has disrupted plans, overwhelmed healthcare facilities in certain areas, and left many Americans dealing with symptoms of fever, congestion, cough, vertigo, aches and fatigue.

Several factors have contributed to this latest surge. One factor is the high transmissibility of newer variants. Second, the widespread relaxation of public health measures has created an environment conducive to transmission. Mask mandates, social distancing guidelines and restrictions on large gatherings have all but disappeared. This return to normalcy, while massively psychologically and economically beneficial, has provided the virus with ample opportunities to spread.

Finally, the pervasive sense of pandemic fatigue has led to a serious decline in vigilance. Many people, weary of the pandemic's disruptions to their lives, have become markedly less cautious. This complacency, coupled with the underestimation of the virus's ability to adapt, has allowed COVID-19 to regain a foothold.

The virus is likely to continue mutating, with new variants emerging that could potentially evade immunity from previous infections or vaccinations. This means that COVID-19 will remain a moving target, requiring ongoing surveillance and adaptation of public health strategies.
(For the complete article by Aron Solomon see:
https://www.msn.com/en-us/health/other/opinion-summer-covid-surge-shows-we-may-have-to-return-to-2020-pandemic-measures/ar-AA1pEcuT?ocid=mailsignout&pc=U591&cvid=995e1f2784fc485580168b29d6642781&ei=11

New COVID vaccines now available

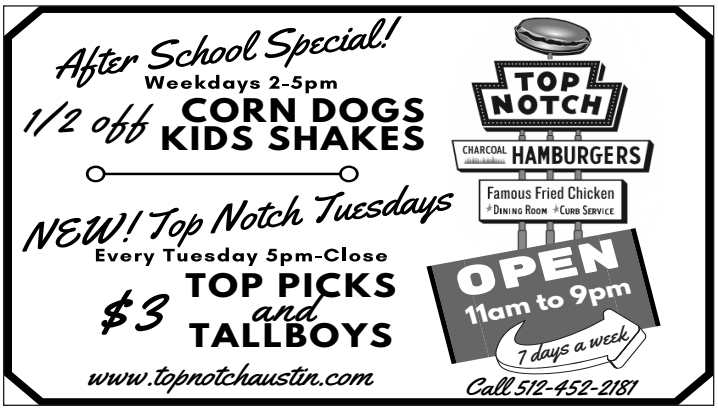
The FDA approved updated vaccines against Covid-19 in late August. Austinites can now book appointments for updated COVID-19 vaccines at a number of pharmacy locations. Most private insurance plans, along with Medicaid and Medicare, will cover the cost of COVID-19 vaccines, but uninsured folks will face out-of-pocket costs. However, a representative for the CDC said the agency is working to bolster local and state programs that would support efforts to vaccinate underinsured populations moving forward.

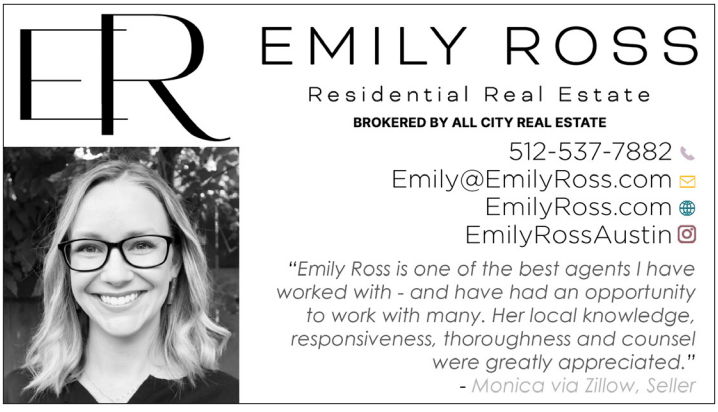
Vaccines from both Moderna and Pfizer target KP.2 Omicron variants, which were dominant in the spring and early summer. The Centers for Disease Control & Prevention reports another closely related variant, KP.3.1.1, has now overtaken KP.2, but that the newly available vaccines will still offer protection.

Experts say the best time to get a shot will depend on your health, your age and whether you've recently had an infection. Although, persons over the age of 65, the immune-compromised individuals, persons with a high-risk medical condition are especially encouraged to go ahead and get vaccinated. Younger, healthier indiviuals may be good with waiting until later in the fall.

More free COVID tests coming available soon

On the heels of a summer wave of COVID-19 cases, Americans will be able to get free virus test kits mailed to their homes, starting in late September. A household will be able to order up to four COVID-19 nasal swab tests. Although, the U.S. Health and Human Services agency that oversees the testing has not announced an exact date for ordering to begin. The tests will detect current virus strains.





Charter Amendments, continued from page 2

County Commissioners Court judge and Austin attorney who has been representing Save Our Springs in its open meetings litigation.

The city's hired outside attorney, Clark Richards, told Judge Lyttle in Thursday's hearing that a restraining order could derail the city's charter election in November. The city charter lays out Austin's fundamental legal framework akin to a federal or state constitution.

By contrast, Save Our Springs says that delaying the vote until 2025 would be a good idea because that would give voters plenty of time to educate themselves about the proposals. Bunch said the proposed charter amendments mostly serve to "further reduce city hall transparency and accountability."

Aleshire pointed to a charter amendment – Proposition E – that directly relates to the city's open-meetings legal troubles. As written, Proposition E would let the council change its meeting rules by official vote following proper posting of an agenda item. Aleshire said that's easier than the current system in which the council must pass rule changes through ordinances that require advance public notice and three readings of the changes.

This is significant given that Save Our Springs prevailed in April when it argued that the city's new policy of granting public speakers a total of two minutes for multiple and unrelated agenda items violated the Austin City Charter, as well as the Open Meetings Act.

"After Bill Bunch won his first lawsuit on that issue," Aleshire said, the city now is "proposing changing the charter rather than complying with it."

To see the full article go to: https://austinfreepress.org/charter-challenge-judge-rules-that-austin-council-broke-open-meetings-law-again/?eType=EmailBlastContent&eId=cba5b38a-2ef1-409d-84aa-4ab54f98e5de

Consent, continued from page 3

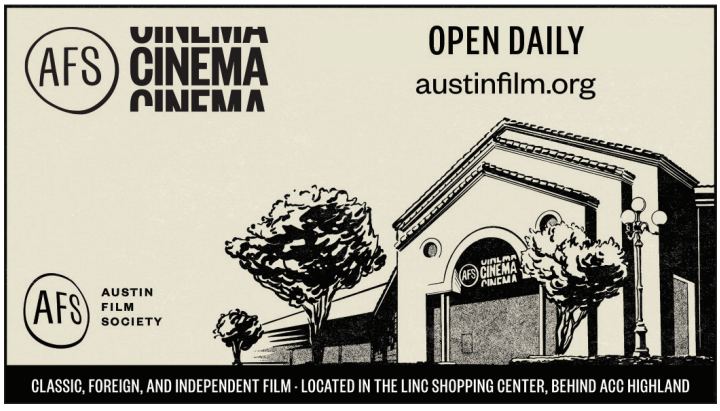
council at the July 18th hearing). A motion and a second to adopt these cases "on consent" was made even before public testimony (which was lumped together for all cases) started. No council member responded to the public comments or offered an explanation for the zoning changes. There was no council discussion – even on cases where the public had lodged written and oral concerns. It was over in a matter of minutes: twenty zoning or neighborhood plan changes were adopted "without objection" in about twenty minutes.

What this Means

By consolidating and characterizing contested land use changes that will affect the lives of nearby residents as "consent" items unworthy of discussion, in violation of its own rules, the council has demonstrated its disregard for the rule of law and its constituents. Its imperviousness to public testimony and lack of engagement suggests that the decision on these cases had already been made before the hearing and that the views of residents, many of whom took time off from work to attend, were considered irrelevant. This indifference promotes cynicism and discourages democratic participation in local decision-making. Perhaps that is the goal.

By rubber-stamping these cases identified only by case numbers, as though they were so much cargo, and ditching staff reports at the hearing, the council makes it difficult for the viewing public to know—without research—what the council has done. Perhaps that, too, is the goal. The council's mechanistic approval of changes to our zoning and neighborhood plans is just a piece of a larger picture.

Editor's note: Community Not Commodity supports a diverse Austin with neighborhood-based planning, effective anti-displacement programs, and respect for current residents' property and neighborhoods.
https://communitynotcommodity.com/



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